

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTOPHER BRIGGS,

Plaintiff,

v.

LEGACY SALMON CREEK
MEDICAL CENTER,

Defendant.

CASE NO. C25-5053 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Grady J. Leopold's Report and Recommendation (R&R), Dkt. 4, recommending the Court deny pro se plaintiff Christopher Briggs's application to proceed *in forma pauperis*, and dismiss this case with prejudice and without leave to amend.

Briggs seeks to sue defendant Legacy Salmon Creek for violating his Health Insurance Portability and Accountability Act (HIPAA) rights by sharing his medical information, which it does under its Notice of Privacy Practices (NPP). Dkt. 1-1 at 7-8. Briggs claims Legacy refused to honor his "opt out request." Dkt. 1.

1 The R&R concludes that there is no HIPAA private right of action, and that
2 Briggs's sole claim is fatally flawed. Dkt. 4 at 3 (citing *Garmon v. County of Los*
3 *Angeles*, 828 F.3d 837, 847 (9th Cir. 2016) ("HIPAA itself provides no private right of
4 action.")).

5 A district court "shall make a de novo determination of those portions of the report
6 or specified proposed finding or recommendations to which objection is made." 28
7 U.S.C. § 636(b)(1)(C); *see also* Fed. R. Civ. P. 72(b)(3). It must modify or set aside any
8 portion of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The
9 district judge may accept, reject, or modify the recommended disposition; receive further
10 evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P.
11 72(b)(3).

12 The Court must "review the Magistrate Judge's findings and recommendations de
13 novo *if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d
14 1114, 1121 (9th Cir. 2003) (citing § 636(b)(1)(C)). A proper objection requires "specific
15 written objections to the proposed findings and recommendations." Fed. R. Civ. P.
16 72(b)(2).

17 Briggs has not objected to the R&R, and it is neither clearly erroneous nor
18 contrary to law. It is **ADOPTED**. Briggs's application to proceed *in forma pauperis* is
19 **DENIED**, and this case is **DISMISSED** with prejudice and without leave to amend.

20 The Clerk shall enter a **JUDGMENT** and close the case.

21 **IT IS SO ORDERED.**

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1 Dated this 10th day of February, 2025.

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4 BENJAMIN H. SETTLE
5 United States District Judge
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